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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Rogerio Jun MIZUNO

Group Art Unit: 3739

Appln. No. : 10/699,699

Examiner: Philip R. SMITH

Filed : November 4, 2003

Confirmation No. : 5852

For : CONFOCAL PROBE AND ENDOSCOPE DEVICE

PETITION TO EXPUNGE INFORMATION UNDER 37 C.F.R. 1.59(B)

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant respectfully requests that certain information filed on February 4, 2004 in the above-captioned application be expunged from the application file and returned to Applicant.

On February 4, 2004, Applicant's U.S. counsel filed two Information Disclosure Statements (IDSs) in the above-captioned application. The first IDS correctly identified the Applicant as Rogerio Jun MIZUNO, correctly identified the U.S. application number as 10/699,699, and correctly identified the title of the application as "CONFOCAL PROBE AND ENDOSCOPE DEVICE".

The second IDS was intended to be filed in U.S. application number 10/699,669. The second IDS correctly identified the Applicants of the '669 application as Masahiro FUSHIMA et al., correctly identified the title of the '669 application as "OPTICAL FIBER AND METHOD FOR PRODUCING THE SAME", correctly identified Applicants' attorney

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docket number as P24120, but incorrectly identified the U.S. application number as 10/699,699 (when it should have been 10/699,669). As a result, the second IDS was erroneously filed in the present application.

When the Examiner received the second IDS that was erroneously filed in the present application, he proceeded to change Applicants' attorney's docket number, the application number, and Applicants' name on the associated PTO-1449 Form, and indicated his consideration of the documents listed therein.

Applicant respectfully requests that the second IDS, identified above, be expunged from the application file. Applicant respectfully submits that expungement of the second IDS is appropriate, as it was incorrectly filed in the present application due to a clerical error. Applicant respectfully submits that the Examiner should have brought this error to Applicant's attention when the Examiner considered the second IDS, as the Examiner noticed the discrepancy between the Attorney Docket Number and Applicant name listed on the PTO-1449 Form of the second IDS, and those of the present application, and incorrectly changed the Attorney Docket Number and Applicant name listed on the PTO-1449 Form to that of the present application.

Applicant also submits that the clerk at the U.S. Patent and Trademark Office should have noted the discrepancy between the application number, Applicant name, title of the application on the IDS, and attorney docket number.

Further, Applicant submits that sufficient information was provided to enable the clerk (and Examiner) to enter the IDS and associated PTO-1449 Form in the correct application.


In accordance with 37 C.F.R. 1.59(b), Applicant submits herewith a check including the amount of \$200 for this petition.

Accordingly, Applicant requests that the expunged information be returned to the undersigned at the address listed below.

The U.S. Patent and Trademark Office is hereby authorized to charge any additional fee or to credit any overpayment to Deposit Account No. 19-0089 to ensure consideration of this petition. This document is submitted in triplicate for this purpose.

Applicant respectfully requests that the undersigned be contacted at the below-listed number, should there be any questions or comments regarding this matter.

Respectfully submitted,
Rogerio Jun MIZUNO


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June 22, 2006
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